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THE

Wild Train

AND

DYING ENGINEER

A RAILROAD HORROR.

TRUE AND COMPLETE STORY

—OF THE—

DARK MYSTERY, THE CONFESSION, THE TRIAL, THE VERDICT, THE SENTENCE.

Graphically Portrayed Pathetic, Interesting and Astounding.

VAN WERT, O.
C. E. DETTER, PUBLISHER.
1894

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BY C. E. DETTER,

Author of "Fifteen Years an Editor;" "Mabel's Visit in the City;" "What I Saw in a Dream;" "Reclaimed;" "Eva Woodard's Surprise;" "Marvelous Adventure in the Jungles of the Sierras;" etc.

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PREFACE.

It is the object of the author of this little book to give a true and complete story of the appalling crime committed on the Mackinaw railroad near Van Wert, Ohio, on the night of July 18th, 1890. The copy was prepared with the greatest care, particular caution being exercised against prejudice. It is not founded upon fiction but is a true story of an actual occurrence, and, although the dead engineer was a friend of the author, yet everything contained within its folds is told without prejudice and without exaggeration. The truth was closely guarded throughout the work and it is hoped that it will be received in the same friendly spirit that prompted its utterances. The writer was quite familiar with the circumstances surrounding the case and has presented the facts as they really existed.

Respectfully,

C. E. DETTER.

THE

WILD TRAIN

AND

DYING ENGINEER.

There was truth upon his brow,
There was honor in his name;
No railroad man refused to bow
To this brave engineer of fame.

MAT VAN DEVANDER was a railroad engineer, and as good a one as ever opened a throttle. His unswerving bravery and dauntless courage made him a peer among men of valor. He feared neither man, beast nor ghost. He could stare death squarely in the face without moving a muscle or changing his facial expression. His idea of running a passenger train was, as he passed along the line, to have his train reported

"on time." He made it a point to be "on time" at every telegraph station. When his train was delayed along the route and he had an opportunity to recover the lost minutes you could depend upon it that not many stations would be passed ere he would again be reported "on time." It is not to be presumed by this that he was a wreckless and dangerous engineer. Quite the contrary. In his many long years of railroad engineering he never met with an accident worthy of note here. He always knew just how fast his train could be run with safety. He always knew just when and where to open the throttle and "let her go," and when and where to decrease his speed. Nearly everybody along his run knew him by reputation, and thousands of people who frequently traveled over his route knew him personally. Many a time has the writer been a passenger on his train when he would have been startled at the rapid speed of the train but for the knowledge of the fact that Van Devander was in charge of the engine. The same thing was true with thousands of regular patrons of the road. When his train was making up lost time it was a common thing to see passengers become frightened and jump to their feet, but when informed that Van Devander was at the throttle a feeling of confidence and security would creep over them and they would resume their former easy positions in their seats. He was a thorough master of an engine—a practical engineer of long experience. He had spent the greater part of his life at the throttle and the people felt safe on his train. Their confidence in his ability to run

a locomotive with safety could not be shaken.

But, alas! how true the proverb; "In the midst of life we are in death." So it was with this great railroad engineer; and a tragic death it was! It was one surrounded by the most horrid, shocking, frightful and sensational circumstances ever recorded in the annals of crime. Women wept and strong men paled at the sight and turned away with unsteady nerves. Never in the history of Van Wert were the people so unnerved, amazed and thoroughly shocked.

It was a bright summer morning, the 18th of July, 1890, that Van Devander started out on his last run. The goddess of day was fast sipping the sweet nectar from nature's dewy lips. The morning sun was brightning and sending its dazzling rays down from the surrounding hilltops. The lark, the robin, the mocking bird and oriole were pouring forth their sweetest morning notes. The choicest songsters of the air were in the zenith of happiness. The humming of bees and lowing of cattle were heard round about. The fields, rolling away in sightless waste, laughed at their luxuriant growth. The white water lily was gracefully nodding and bowing its silvery head to the soft zephyrs wafted from southern tropics, where the orange, the lemon, the fig and the nutmeg grow. Hearty laughter from men and women and merry shouts from happy children were heard in every direction. "Sweet Beulah Land" never sounded sweeter. All nature seemed to smile upon her own loveliness and truly wonderful accomplishments. The low rumbling of

heavy trains reverberated from hill to hill, while the locomotive whistle was echoed in the far-away wood.

Mat Van Devander paused and looked about him and wondered why the morning was brighter than any he had ever seen before. The birds sang sweeter, women were fairer, children pretterier, the sky was clearer, the air softer and his work lighter than it had ever been. All this brightened condition of life was a premonition of his approaching death. He was happy and contented with his lot. A loving wife and doting children were dependant upon him for support and his daily labor was a real pleasure to him. There were no thoughts in his mind of danger just ahead. On this particular occasion no red flag was displayed to warn him of impending danger. Little thought he of a sudden and tragic death, and still less thought he of ever meeting death at the hands of a fellow-workman.

He was in charge of an engine on the Cincinnati, Jackson & Mackinaw railroad, most commonly called the "Mackinaw." His run was from Van Wert to Franklin and return. His engine was No. 25, and whenever the time came for engine 25 to take out a train loaded with human freight Van Devander was ready to go. His fireman was Samuel Rhodehouse, whose home was at Greenville, 57 miles south of Van Wert. Rhodehouse was a man of good appearance and about 28 years old. He had many friends and his people were among the best and most popular in Greenville. But he was not popular with Van Devander. There was something about

him that Van Devander did not like. They had made many trips over the road together and got along fairly well for six or eight months.

Finally it required only a small matter to engender a heated argument or petty quarrel between them. These difficulties would soon pass away without serious trouble. As time progressed they became more frequent however and then Van Devander went to the master mechanic of the road and informed that officer that he could not well get along with Rhodehouse and requested that Sam Class be given Rhodehouse's place and the latter given employment elsewhere. Class was Van Devander's old fireman. He had fired for Van Devander two years and they were fast friends. They always got along agreeably and either was ever ready and willing to listen to the advice of the other. Class was then only 22 years old but stood well with everybody and the railroad officials held him in high esteem. They appreciated his services. He was a careful, trustworthy and valuable employe and they realized his worth. As a reward for his good services they were preparing to promote him from the position of fireman to that of engineer. They so informed Van Devander and he, of course, was glad to know that Class was about to be promoted, and was anxious that the promotion take place at the earliest date possible.

Such being the case Van Devander pressed his case no farther. He went back to his engine feeling somewhat chagrined and realizing the excruciating fact that Rhodehouse would be his fireman for an indefinite period. He

thought that as time wore away they would become better acquainted, understand each other better and finally no disputes nor difficulties would rise up to further imbitter the ill feeling already existing between them. He believed, after considering the matter, that the bad opinion that each entertained of the other could be overcome eventually and sooner or later bloom into friendship. Unfortunately for him his hopes were never realized. Their friendship weakened instead of growing stronger.

One Sunday, the latter part of June, the Mackinaw company ran an excursion train from Van Wert to Manitou Beach, or Devil's Lake, as it was more commonly known, a popular pleasure resort in Michigan. Van Devander's engine was assigned to the work, and early in the morning of that day he had his engine coupled to the train and left "on time" with several hundred happy, chatting excursionists. Everything passed off smoothly on the way and they arrived at the Michigan resort in good condition.

While Van Devander was off duty at Manitou he tippled quite frequently and became more or less intoxicated. But when the time came for the excursion to start out on its return trip the effects of the intoxicants had worked off and he was on his engine ready to go, and in due time the train arrived safely back in Van Wert. Van Devander's conduct at the Lake was not at all in keeping with the strict sobriety required of him by the railroad company employing him. Somebody reported him to headquarters and a day or two later he

was reprimanded by some of the officials of the road. This had a tendency to put him in bad humor and in a few days he accused his fireman, Rhodehouse, of reporting him to the company. Rhodehouse stoutly denied the charge but this did not satisfy Van Devander. The fireman may have been innocent but Van Devander could not convince himself that such was the case and several times brought the matter up, and as often as brought up would result in a vigorous quarrel, Rhodehouse always emphatically declaring innocence.

This aggravated Van Devander to an unlimited degree and he seemed determined to know the truth to his satisfaction. He made ugly threats and did everything possible to induce or compel Rhodehouse to acknowledge the truth as it appeared to him, but without result.

On the afternoon of July 18th they quarreled at Franklin before starting out on their return trip to Van Wert. It appears that personal injury had previously been threatened by each against the other, and at this point Van Devander threatened to knock Rhodehouse down and kick him into the fire-box. This extreme bitter feeling between them had existed since a few days after the excursion to Manitou Beach, a period of over two weeks. Many of the employes of the road were well aware of the grave situation, and, knowing the circumstances, it appears strange that the railroad company made no effort to separate the men by transferring one of them to a different engine. This no doubt would have prevented the awful tragedy that eventually followed. Rhodehouse

was certainly possessed of considerable nerve or he never would have started out with Van Devander on that last trip from Franklin to Van Wert. But he went, notwithstanding the lamentable fact that the engineer had threatend to knock him down and kick him into the fire-box before they reached the end of their run. Rhode-house realized the perilous position in which he was placed but he had an object in view that induced him to stand firmly by his post of duty, though his life was in jeopardy.

He had been in the employ of the company six years and was working for promotion. He expected by good and faithful service to be promoted to the position of engineer. Had this not been the case he probably would have quit the engine at Franklin and sternly refused to fire for Van Devander any longer. This, of course, is only conjecture and the opinion may be faulty, nevertheless subsequent results show that that was the proper course for him to have pursued. The act would likely have lost him his position, and most certainly his prospects of being promoted from the position of fireman to that of engineer. Under these circumstances and conditions he was determined to brave it out at all hazard. He did so and presently we shall see the sad result.

The train was a passenger accommodation No. 4. It left Franklin at 5:20 and was due in Van Wert at 10:10 the same evening, the distance being 106 miles. They started out on time, as usual, and at different stations along the road the engineer and fireman were heard

quarreling. The train was reported "on time" at the different telegraph stations and everything was apparently passing off all right. Ohio City, eight miles south of Van Wert, was reached and the train pulled out for the end of its run. Three miles south of Van Wert there is a sharp curve in the track and just north of this curve is a crossing where the train was sometimes stopped on signal to take on passengers. Engineer Van Devander slowed up for the curve, sounded the whistle for the crossing, and, this being passed, again turned on the steam. It must have been immediately afterward that an awful tragedy was enacted in the cab of the engine.

The train came thundering into Van Wert, giving no alarm of its approach. The whistle was not sounded and the bell was as silent as the tomb, though several claim to have heard the danger signal sound as the train came into town. But the whistle was not sounded and the signal so distinctly heard was evidently a token warning the people of the ghastly scene in the engine cab. No one could be seen in the cab; the train was running wild, and on it sped over street crossings on which numerous citizens were wearily wending their way home. The station agents, express men, hack men and others, waiting at the depot to meet friends, were surprised to see the train rapidly approaching the station five minutes ahead of time. Their surprise was turned into utter astonishment and intense anxiety when the train thundered past the depot at the rate of twelve miles an hour. It quickly dashed across the Pittsburg, Ft.

Wayne & Chicago tracks, through the target and on it went with crew and passengers. There was a panic on board and the conductor and brakeman rushed forward to ascertain the trouble. Meanwhile the wild train had reached the round-house and run into the yards. There was a loud crash and then a sudden halt. The yard engine was out on the main track shifting cars and the wild train crashed into it, and soon the difficulty was made known to the excited crowd.

Switchman Harry Overholt, fully realizing that something serious was wrong, quickly climbed into the cab of the grim and panting monster. His blood ran cold at the terrible sight that met his eyes. Engineer Van Devander lay on his seat pale and ghastly, with blood and brains oozing from a number of gaping wounds in his head. He was unconscious and gasping for breath. There was a death-stare in his eyes, and the very sight was sickning in the extreme and repulsed the stoutest heart. On the foot-board near him lay fireman Rhodehouse limp and apparently senseless.

A shocking crime had been committed, but who did it, and why, how, when and where was it done? These were the questions that immediately suggested themselves. The startling news spread over the city like magic and soon an excited multitude was on the scene. The two men were carried out of the cab and for a short time their forms lay writhing on the ground. Van Devander was then carried to his home on Fulton street and Rhodehouse was taken to his hotel on Jackson street,

where he boarded. Medical aid was summoned, but in one case it was not needed; in the other, nothing could be done except to administer to his temporary relief.

At this time the crime with all its blood-curdling realities was shrouded in the deepest mystery. Immediate inquiry concerning the cause of the fiendish work failed to elicit a satisfactory solution. The engineer was dying and the fireman was seemingly unconscious and no information could be had from him. The conductor and brakeman said the engineer whistled for the flag station three miles south of Van Wert; that at the curve he shut off the steam and properly applied the air brakes, and after rounding the curve the train again increased its speed. They knew of there being nothing wrong until the train passed the depot and collided with the switch engine at the yards.

About five o'clock the following morning the fireman regained consciousness and he then gave what seemed to be an intelligent report of the tragedy. His story was substantiated by incidents that made it appear genuine, and was so accepted by the public at the time.

He said that about two miles south of town he stooped over to start the injector. While in that position he heard the engineer cry out: "Oh, Sam!" and on looking around saw a large, strange man with a black mustache. Before he could collect his thoughts the stranger on the engine struck him a hard blow on the head with a three-pound copper hammer that had been taken out of the tool box on the engine, felling him to the floor. He made

an effort to rise but was dealt a second blow, which knocked him senseless. The story on its face looked plausible. The supposition was that a man, or perhaps several men, had quietly boarded the train at Ohio City and while the train was running at full speed climbed over the tender into the cab and committed the fiendish work. The theory that gave superficial credence to the story at the time may be briefly outlined as follows:

During the Presidential campaign of 1884 one of Van Devander's sons was murdered by Blair Mock at Huntington, Ind. Later, Mock was convicted of the crime and sentenced to the Northern Indiana prison at Michigan City for a term of seventeen years. Van Devander himself was present and saw his son murdered in cold blood but the deed was committed so suddenly and unexpectedly that no assistance could be rendered by the father. He was the principal witness against the murderer. In the court room after the trial the prisoner swore vengeance against Van Devander and his entire family. Mock's father was a minister and through the father's intercession the son was released from penitentiary on parole about a month previous to the mysterious murder on the Mackinaw.

It was claimed that Mock had been seen at Ohio City the day of the murder, and at three o'clock the following morning the Mackinaw yard master at Van Wert flashed his lantern into a loitering stranger's face and recognized the man whom he supposed to be Blair Mock, the paroled murderer.

This certainly was a very plausible theory. It was surrounded by all the facts and incidents necessary to make it appear truthful and genuine throughout. But wiser men shook their heads, though they were slow to speak and advance other ideas. There were others who contended that it was an attempt at train robbery. They reasoned that Van Devander was a man of unprecedented courage and would under no circumstances surrender his train to a band of robbers. They thought it quite probable that he disregarded the command from the robbers to shut off the steam and throw up his hands, and that he was determined to run his train through at all risks. He disobeyed orders from the robbers and met death in combat. He preferred to sacrifice life rather than surrender his train to a gang seeking plunder. This fairly illustrates the courageous man that he was, but the robber theory was soon exploded. Still there were a few who firmly believed in it and refused to believe anything contradictory to it.

Between one and two o'clock in the afternoon following the night of the tragedy Van Devander died, leaving a wife and six children. His age was 52. He had been unconscious from the time the assault was made, and, therefore, carried the real secret to the grave. For several hours prior to his death it required the united strength of two men to hold him in bed. This notwithstanding the fact that one of the powerful blows dealt him on the head had paralyzed his entire left side. In life he was a giant, physically, and death found a stub-

born victim. He had been a railroad engineer for thirty years and was a complete master of a locomotive and all its workings. He had run a locomotive on the Pennsylvania lines, on the Wabash road, on the Chicago & Erie and on the Mackinaw. He had handled an engine on the latter road four years and was always a faithful and trusty servant.

Van Devander's death added further flame to the mysterious crime. It was like pouring oil upon a burning building and the people were wrought up to the highest degree of excitement. Sensational developments were expected any time. Had the assassin then been apprehended it is possible that a rope and tree would have been judge and jury.

By this time fireman Rhodehouse was able to be up and walk around. He showed some signs of injury but his injuries were not painful. Every effort possible was being made to unravel the mystery and ferret out the murderer. During the day of Van Devander's death sheriff Shumaker went to Monroeville, Ind., and arrested a man by the name of Pyle. He was arrested on suspicion and given a preliminary hearing the same day, but he satisfactorly proved his innocence and was released. Never in the history of the beautiful and flourishing little city of Van Wert was excitement so intense. Business was practically abandoned and the circumstances surrounding the profound secret were being discussed on every prominent street corner and in every home in town. It was about the only theme of conversation in store and

shop. Threats of mob violence were frequently heard but the calmer and more thoughtful people tried to discourage such a course in order to prevent an illegal hanging should the criminal be apprehended. They feared the crowds might be worked up to such a pitch of frenzy that some innocent man, accidentally charged with the commission of the deed, would be immediately hanged without giving him an opportunity to prove his whereabouts on the night of the murder and establish his innocence.

It is now twenty hours since the crime was committed. Excited men are running hither and thither in their eager search to obtain the latest scrap of news. They are apparently thirsting for the blood of the villain who did the inhuman work. The yard master claims that the suspicious stranger whom he saw in the yards at three o'clock in the morning following the murder was not Blair Mock, as at first reported, but a man closely corresponding to the description of Mock. This disposes of an important connecting ling. All trace of the murderer was now lost, and hope of capturing him almost gone. The mystery was darker than ever and the officers began casting about for another clew.

Later developments cast grave suspicion upon fireman Rhodehouse, and shortly after the release of Pyle the fireman was put under guard at his boarding house, although he was not aware of the fact that he was being closely watched by the officers. This was about five hours after the death of Van Devander. On Sunday aft-

ernoon, forty hours after the murder, suspicion grew so strong against Rhodehouse that the sheriff placed him under arrest. The news of his arrest was received with the utmost surprise. It shocked the public and many people stood aghast, so unexpected was the news. The opinion that the fireman was the guilty man rapidly gained favor with the general public but his friends refused to believe it. Many facts and incidents were then brought up in support of his guilt. It was a well known truth that the engineer and fireman had been quarreling on the day of the murder. Quite a number of people remembered of having heard the fireman threaten to kill the engineer, and this evidence was quickly brought out. When he made the threat it was not likely that he anticipated committing so foul a deed. But now the threat was accepted as having been made with a determination of being put into execution. It was reasoned by some people that if the fireman was the real murderer several explanations could be given in support of subsequent incidents.

Van Devander was perhaps the most wiry and muscular man on the Mackinaw railroad, though he was not a very large man. His weight perhaps would not exceed 175 pounds. He possessed marvelous courage, agility and vitality. He would die rather than give in to defeat. Few, if any, of the employes on the Mackinaw road or in the shops could handle him in a fair trial of strength. When angry and excited he was a giant in physical power. It was said of him that while working

in the shops at Huntington, Ind., he had some difficulty with his foreman. The foreman realized that it required a powerful man to handle Van Devander and in order to get revenge he imported a professional pugilist unknown to Van Devander and the other shop employes. The pugilist was given a temporary job in the shops, and he tinkered around the machinery to put in his time. His job or mission really was to accidentally come in contact with Van Devander, involve him in a quarrel and then give him a thorough threshing. The much-desired opportunity for the quarrel and fight soon presented itself, for Van Devander was not slow to realize when a man was looking for trouble When the professional pugilist woke up sometime after the fight he found himself to be the worst whipped man that the town of Huntington had ever seen, and Van Devander was working away just as though nothing unusual had taken place. This story is another good illustration of Van Devander as a man of nerve and superior strength.

Fireman Rhodehouse was fully aware of the fury and power of his chief and prepared himself for the awful struggle that finally came. Then, to cast off suspicion, he placed the unconscious and dying engineer back on his seat and let the engine run, hoping to wreck the train in the yards or allow it to go until the steam was exhausted. The excitement and bloody scene caused him to faint, or he feigned insensibility.

These in brief were the suspicions on which Rhodehouse was arrested. His friends were inclined to the

opinion that he could and, at the proper time would, fully and satisfactorly clear himself of all suspicion. Still they readily admitted that circumstantial evidence was directly against him. In his behalf a report was circulated to the effect that the Mackinaw telegraph operator at Ohio City had been approached by a stranger a few minutes before the train was due at that place the night of the murder who inquired whether Van Devander was on the engine of the train coming north. On being answered in the affirmative the stranger walked north on the track toward the water tank where the engine usually stopped for water. The strange man tallied closely to Blair Mock's description. This, of course, detracted suspicion from Rhodehouse and strengthened the old belief that Mock was the murderer.

The dead engineer was buried in Woodland cemetery Monday afternoon. The funeral services were attended by a multitude of sympathetic friends, neighbors and fellow railroad men. The Brotherhood of Locomotive Engineers and the Masonic fraternity attended in a body. This was an exceptionally sad and gloomy day for the people of Van Wert. Busy men and women turned out in great numbers to pay their last solemn rites to the brave engineer.

Engine 25, on which the tragedy occurred, was soon repaired and then became an object of great curiosity. The front and side and rear windows of the cab were bespattered with blood and brains, showing the extreme severity of the blows that were dealt the helpless victim.

Shortly after the engine was run out of the shops it took the mail train south, but its old master had answered the last signal and now she was in charge of new hands. Avery Scott was her new master and she was elaborately draped with mingled black and white crape. Her bell was tolled as she slowly moved by the home of her dead master on Fulton street. The funeral is over and the only topic of conversation is the sad death of Van Devander. Deep sympathy is expressed for his estimable wife and family. The hero of the Mackinaw has passed away and he'll be reported "on time" no more. Dark and pitiful the thoughts of his sudden departure. Peace to his ashes and good will to all.

All thoughts are now turned toward the perpetrator of the dark and daring deed. Is he to go unpunished or shall justice be done? But who was it? Where is he? Fireman Rhodehouse apparently knows more than he is willing to tell and strong influence is being thrushed upon him to induce him to tell all he knows about the murder. He is obstinate and reticent. He denies everything, asserts innocence and reaffirms his first story.

But at last, the pressure against him is too great and he breaks down. The heavy clouds roll away; the dark mystery is clearing up; the awful suspense is about over, and fireman Rhodehouse is the self-confessed murderer of engineer Van Devander. His first statement was false in every particular. It is now three days since the crime was committed. At the command of his conscience, fearing the lines of suspicion which were gradually contract-

ing about him, he confesses to having committed the deed. When the news of his confession was made public the excitement became intense—greater, if possible, than that immediately following the night of the murder.

Rhodehouse was placed in jail as soon as he made the confession. Knots of people gathered on the street corners and a crowd of several hundred frenzied men collected around the jail where the prisoner was confined. Fortunately it was an orderly mob, although numerous threats of bodily injury were made. Many expressed themselves as being ready and willing to help lynch the guilty man, but the calmer and more orderly men among them discouraged lynch law and thereby no attempt was made to carry out the hasty threats. The railroad men deserved credit for their calm, deliberate and unprejudiced views of the case. They were not among those who were exciting the mob. They were identified with the more orderly citizens and seemed inclined to allow the law to take its course. By nine o'clock in the evening the excited crowd had dispersed and no further trouble for the present was apprehended.

Rhodehouse in his confession stated that he and the engineer had been quarreling for several days. Somebody had reported to the superintendent of the road that Van Devander had taken an excursion train out from Manitou Beach while he was under the influence of liquor. Van Devander repeatedly accused Rhodehouse of reporting him. At first Rhodehouse would neither deny nor confirm the accusation. The quarrel was resumed

on the last trip the two made. At Franklin, the south end of the run, the men drank together and in a dispute that soon followed the engineer slapped the fireman with his open hand. Owing to the superior strength of the engineer the fireman could only subdue his anger and bide his time for revenge. At Greenville they engaged in an angry war of words. At Rockford and Ohio City the quarrel was still in progress. Van Devander knocked Rhodehouse down and the fireman then warned him that if he ever struck him again he would knock him down with the hammer. When within two or three miles of Van Wert, the engineer on his seat and the train running at full speed, Rhodehouse seized a hammer weighing over three pounds and struck the engineer on the head twice. Van Devander fell to the deck, and when down and perfectly helpless the fireman struck him again. The train then ran wild into town. Rhodehouse noticed that the target at the Pennsylvania crossing was turned for the train and he let it run, quickly passing the depot and over the crossing he sped, urged by the desperation of madness. Just after the train crossed the Pennsylvania tracks Van Devander raised his head as though making an attempt to get up. The demonized fireman grasped the bloody hammer and to make certain of his fiendish work struck with both hands with all the force at his command. He then placed his victim on the seat and lay down in the cab and feigned unconsciousness. His confession was made to different parties and at different times. His first statement was made to C. W. Riley and

Harry Stevens about six o'clock Monday evening, two or three hours after Van Devander's funeral. They went to his room at that hour and Riley opened the conversation by saying:

"Sam, it's a bad affair."

"It is," said the fireman, "but I am an innocent man. There was a crowd in here this afternoon that have since made statements to the effect that I partly admitted, but it is wrong; they lied. The deputy sheriff is mad about it and said he would not allow them to say any such a thing as long as he was here."

"Sam, did you and Mat (Van Devander) have any trouble at Franklin Friday afternoon?" inquired Riley.

"No; we were getting along firstrate; didn't have a word," said Rhodehouse.

Riley.—"But there are people in Franklin who heard you and Mat quarreling."

Rhodehouse.—"No, sir; we didn't quarrel."

Riley.—"Yes, sir; there are as many as ten statements against you. Dejester heard you and Mat quarreling and has made statements to that effect."

Rhodehouse.—"He did say so?"

Riley.—"Yes, and five other paper mill men. I have been sifting this thing closely since Saturday morning. The evidence is getting very thick against you. The best thing you can do is to tell the truth. I know that in striking Mat you were agitated and provoked to it, and you could do nothing with him without taking a hammer or coalpick. Harry and I know that you would be

no match for him without in some way taking advantage of him. If you had run the engine to the depot and stopped, then gotten off and made your statement, there would not be much said to you, as I suppose you had to use the hammer on him. You made no statement; they make it now."

Rhodehouse.—"What about the statement I made to the doctor?"

Riley.—"That makes no difference with the truth. Did Mat strike you at Celina?"

Rhodehouse.—"No."

Riley.—"Did he strike you at Rockford?"

Rhodehouse.—"No."

Riley.—"Did you quarrel at Rockford?"

Rhodehouse.—"No."

Riley.—"You were heard quarreling there and calling vile names at the water tank."

Rhodehouse, holding up his left hand.—"So help me God we did not quarrel from the time we left Franklin."

Riley.—"Did he strike you at Ohio City?"

Rhodehouse.—"No."

Riley.—"Sam, where did he strike you?"

Rhodehouse.—"Down in the woods about a mile and a half from town while I was putting in the fire. Mat hit me with his left hand on the side of the head. Mat said: 'I will do you right here.' The blow staggered me and he struck me again. I dodged and got the hammer out of the tool-box. After doing so I stepped in and struck him three times. Mat fell down in his seat and then

tried to get up and come at me again. I took the copper hammer in both hands and struck him as hard as I could. I was afraid I could not kill him. I knew I had to kill him or he would kill me. That's the truth. Now they'll hang me."

Riley.—"No, I guess not."

Rhodehouse.—"Well, then, I'll get five years in penitentiary for it."

Riley.—"Now, Sam, I wish you had done this before. I want you to make this statement to your only protector, the sheriff."

Rhodehouse.—"All right; go and get him."

Harry Stevens.—"My God, Sam, did I ever think you would come to this! What's going to become of you?"

Stevens, Riley and Rhodehouse were railroad men and had been intimate friends. The awful revelation was too much for Stevens and he broke down and gave way to his sorrow.

"Don't cry, Harry," said Rhodehouse.

Stevens.—"But think before confessing. Sam, didn't you use the air brakes and have the train under control coming into Van Wert?"

Rhodehouse.—"No; I did not. I was afraid they would lynch me."

Sheriff Shumaker was then promptly informed of the startling news. He hastened to the hotel to get the confession direct from Rhodehouse. Riley and Stevens were also present to hear it repeated. On entering the room occupied by Rhodehouse, Riley said: "Sam, you asked

me to call the sheriff, as you wanted to tell him all about it. Now tell him what you told us."

Rhodehouse.—"I did it. I killed Mat Van Devander."

The sheriff.—"What did you kill him with?"

Rhodehouse.—"I did it with the soft hammer. I slipped back and took the hammer out of the tool-box and hammered the edge of my scoop so he would not mistrust what I was doing. When I laid it back I let the handle stick out from under the lid of the box so I could readily get hold of it."

The sheriff.—"Had you and Mat been quarreling?"

Rhodehouse.—"We had a few words at Franklin, and when about two miles from Van Wert, while I was putting in a fire, Mat struck me with his left hand knocking me down on the boiler brace. I got up and slipped back and got the hammer. I returned and hit him behind the left ear three or four times.

The sheriff.—"Was Mat sitting on his seat when you struck him?"

Rhodehouse.—"He was. Coming into town I dropped down into the deck of the engine. After we crossed the Pennsylvania track I was watching Mat and he started to raise up. I jumped up and grabbed the hammer in both hands and atruck him on the head as hard as I could strike. I thought I could not kill him. I was afraid that if he came to he would kill me. I dropped down again and just then we ran into the yard engine."

The sheriff.—"How did the blotch of blood get on your overalls leg?"

Rhodehouse.—"I can tell you how I got that. When Mat went to raise up I was afraid he was coming to. I jumped up and grabbed the hammer in both hands and set my foot on the step. When I struck him on the head with the hammer his head dropped down on my leg. I took my arm and shoved him back. Mat and I had a few words at Franklin. He got down off the engine to tighten the key in the lock-rod and I got down by the side of him and he said: 'Sam, if you did not say so (evidently referring to the report made of his conduct at Manitou Beach) we will drop it at that and say no more about it.' Mat and I had made up."

The statement made to J. J. Shumaker at the hotel was as follows:

"I did that. I killed Mat. I set the monkey-wrench up in front of my seat where I could get it, and then I took the soft hammer and fixed it so the handle would stick out of the box so I could get it any time I wanted it. Mat hit me first. I went back and got the hammer and hit him two or three times. He was on his seat and didn't get off of it. When coming into town I noticed the crossing was clear for us and I let the train run. Just before we hit the yard engine Mat raised up. I took the hammer in both hands and hit him back of the left ear. God! I thought I couldn't kill him. Somebody told me since this happened that Mat said he would throw me in the fire-box. Mat was leaning over and when I pushed him back I got blood on my clothes."

Shortly after making the above statement he made the

following confession to deputy sheriff F. H. Carper:

"I killed Mat. I killed him in self-defense. We quarreled at Franklin. Nothing more was said until we got to Ohio City. There we quarreled again, and we quarreled to within about two miles of Van Wert. Then Mat said: 'I'm going to do you up,' and then he struck me on the side of my head and as I was raising up he struck me again. Then I went back and got the hammer. I had it ready in the box. I had raised the lid and had the handle sticking out. I got the hammer and struck him."

His last statement before being taken to jail was made in the presence of sheriff Shumaker, deputy sheriff Carper, W. M. Flaharty, prosecuting attorney J. Y. Todd and J. J. Shumaker. It was as follows:

"Mat and I had a quarrel at Greenville. Two men heard us quarrel there and I know it is no use to tell anything but the truth. The reason I did not tell it at first was that I was afraid they would kill me. I intended to tell it on the witness stand. At Greenville the hostler stepped on the engine and got between us and interfered. We had another quarrel at Ohio City. Mat struck me once with his left hand, and that was the only time he struck me. He wasn't off his seat after he hit me. He raised up as if he intended to get off but he was afraid he would hit me. I got the hammer. I had it ready in case of an attack. I hit him."

Upon being asked where he hit him the first time and what Mat was doing when he first struck him, he refused to answer directly and said he preferred to consult his

attorney first, but he had previously stated that Mat was looking forward. Continuing he said:

"I saw the target at the crossing was turned all right for the train. If it had not been I would have stopped the train and given myself up. I would not have run the risk of killing the passengers. I was lying down when we passed the depot. I was very weak and trembling. I did not know the switch engine was working there. If I had known it I would have stopped the train. I did not have nerve enough to run into the switch engine and perhaps kill myself. After the engine struck the switch engine Mat raised up and I again took the hammer in both hands and struck him a lick hard enough to kill an ox. There was enough steam in the boiler to take the train to Cavette at the rate it was running. I intended to let it go on. I never told all about it but I will tell it if my lawyer is willing. At the beginning of the quarrel Mat said: 'I'll do you.' The lick that he struck knocked me against the boiler and made the bruise on the other side of my head. I know if I had not defended myself Mat would have killed me. I did it in self-defense. He threatened to kill me. He had often threatened to kill me. I put in only one shovelful of coal after leaving Ohio City."

Shortly after the confession coroner Kirkpatrick made his report. The finding of that officer was that Van Devander came to his death from wounds on the head inflicted with a hammer in the hands of Samuel Rhodehouse. Dr. J. K. Woods, the railroad company's sur-

geon, made a port-mortem examination and reported that either one of the three hardest blows on the head produced sufficient fracture to result in death. The examination was made by order of the prosecuting attorney. The physician's post-mortem report in detail was substantially as follows:

VAN WERT, OHIO, JULY 21, 1890.

To the prosecuting attorney of Van Wert county, Ohio:

By your order I at noon to-day made a complete post-mortem examination of one Madison Van Devander, 47 hours after death, and find the following described marks of violence on the head of said body:

1st. A complete fracture 2½ inches long and three-fourths of an inch wide about two inches above left ear.

2d. A complete fracture one inch long and three-fourths of an inch wide located about an inch back of fracture No. 1, being the lower portion of the left parietal bone, including a portion of the left temporal bone.

3d. Fracture of outer table of skull, situated half an inch above the occipital protuberance.

4th. Complete fracture somewhat circular in form three-fourths by three-fourths of an inch in area, located on top of head half an inch behind the point of union of the two parietal and frontal bones immediately over the suture of the two parietal bones.

5th. Complete fracture located two inches above right ear involving the right parietal bone only. This fracture is three-fourths of an inch long and half an inch wide, slightly curved in shape through the skull.

6th. Complete fracture 2¼ inches long and three-fourths of an inch wide, nearly horizontal, including the lower portion of the right parietal and a portion of the occipital bones and is located an inch back and upward from right ear.

I also find two or three scalp wounds located on upper part of the head. Respectfully submitted.

J. K. Woods, M. D.

Rhodehouse had always enjoyed the advantages of a good reputation and this was never more judiciously considered than just now. It was a boon in his favor, as it smothered public wrath to considerable extent. He was, indeed, a courteous and industrious young man. He stood well with his employers and fellow-workmen. He was highly respected in the community where he lived. His friends could scarcely believe that he could be induced to commit such an atrocious crime. It was too appalling in detail to think about. Such a flagrant, heinous crime would forever blighten the hopes and prospects of any man without regard to social station in life.

He was now securely locked in a prison cell with the awful charge of murder hanging over him. So bitter was public feeling arraigned against him that the peace officers anticipated an attempt at mob violence and actually prepared for it. This sentiment was at fever heat shortly after he made the confession and was placed in jail. The big crowd that had collected about the jail was orderly and as quiet as could be expected under the circumstances, but some of them were firm in carrying out

the rash threats that had already been made. After the mob dispersed, the sheriff still fearing trouble, shackled the prisoner and took him out, and, after placing him in a buggy, drove off in an easterly direction. The report was then sent out that Rhodehouse had been transferred to the Lima jail. All this was a sham to mislead the people. Shortly before daylight the following morning, and after a night drive of several hours, Rhodehouse was returned through the back way to the Van Wert jail and for two or three days it was generally thought he was in jail at Lima.

This, under the existing circumstances, was perhaps the best thing that could have been done. The people were excited and the sheriff and deputies decided to take no chances. After all, it is not certain that mob violence was at any time to be feared. The greater portion of the crowd that collected around the jail shortly after the arrest was there herhaps more through curiosity than anything else. The threats of lynching were made by indiscreet persons and were not endorsed by the cooler and more conservative heads. All such threats were discouraged by the railroad men and law-abiding citizens.

The excitement has now begun to relax. A sigh of relief and security goes up, and an expressed desire to have justice meted out has superseded the awful strain. Rhodehouse is the murderer of Van Devander and will have to answer for the crime. The Brotherhood of Locomotive Engineers is an orderly and order-loving body. They are men of high intelligence and sound judgment,

and are not easily excited. They feel deeply the wrong that has been thrushed upon the family of one of their oldest members, but they nobly subdue their feelings and abide by the law.

The public is now anxiously awaiting the full story and complete evidence in the case. There are numerous opinions, most of them hastily formed and all are susceptible to some change. It was certainly one of the most blood-curdling tragedies ever enacted, and the people are demanding that justice be fairly and impartially done. It is impossible to conceive anything more appalling and demon-like than the act committed in the cab of that locomotive. The very thoughts of the scene is enough to make the stoutest frame shudder. It was a foul, heartless murder and the court of public opinion is rendering many verdicts but all of these will soon be set aside by the legal verdict in the case.

Just one week after the murder was committed Rhodehouse was arraigned in police court for preliminary hearing. Long before the time previously set by mayor Balyeat for the prisoner to appear in court the city hall was crowded with anxious people, among them many women. It had been rumored that the defense would make a hard fight and consequently the people crowded in to hear the testimony. In this they were disappointed, for no effort of the kind was made. The attorneys for the prisoner were present but offered no resistance. When the charge of murder in the first degree was placed against Rhodehouse he pleaded not guilty. His counsel then waived

all preliminary rights and the prisoner was remanded to jail to await the next term of common pleas court, which was not to convene until the 28th of October following.

Meanwhile many strange stories were told. One was to the effect that the engine on which Van Devander was killed was haunted, or "hoodooed," as it were. A phantom train was reported to run north about midnight between Ohio City and Van Wert. The engine was unattended and ran wild with a ruffled, rumbling noise. The ghost was said to be of a pale yellow and quite transparent. In fact objects could be seen on the opposide side of the specter.

One night a farmer drove across the track with a mule team. Just then the phantom train came rushing along like a mighty wind and lifted the rear end of the wagon off the track. The man's hat was blown off and some straw was blown out of the wagon but no damage was done. Shadowy forms and mysterious objects were seen in the cab of the engine. The train rushed on a short distance and then vanished as suddenly as it appeared.

It was also reported that the engineer and fireman in charge of the fatal engine, once bespattered with blood and brains, were sometimes made aware of the presence of a third party in the cab that would come and disappear like a mist. One night while the train was thundering along near Van Wert a transparent and almost invisible hand pulled the throttle wide open and immediately the engine darted off with the train and for quite a distance ran at a frightful speed. The story of the specter

and phantom train may have been a myth. The real circumstances surrounding the crime were appalling enough without the superstitious appending mythful reports of startling apparition.

We now come to the trial, which was indisputably one of the most famous, exciting and truly remarkable trials ever held in this section of the country. Rhodehouse was indicted by the grand jury at the October term of court but his trial was continued to the February term. It was undoubtedly postponed for the purpose of bettering the chances of the prisoner. A morbid public sentiment was being created in his behalf and the object of postponing the trial was to give this sentiment ample opportunity to develop to its limit. A desperate effort was instituted by the friends of Rhodehouse to free him, and the postponement of the trial from October to February was a decided victory for them. It gave more time for the sickning details of the murder to die out, and many of those who, in the beginning, were so determined to convict Rhodehouse and make him suffer the severest penalty for the crime were now gradually casting off their prejudice and by February would be more disposed to stand back and allow the trial to proceed unaided by their radical determination to prosecute.

When court convened Monday afternoon, Feb. 9, '91, the large and elegantly finished court room was well filled with curious and eager spectators who came to witness the opening of the most tedious and interesting trial in the history of Van Wert county. For weeks the coming

trial was the leading topic of conversation and everybody was anxious to hear the testimony, as many sensational developments were expected. Women were apparently as curious as the men and when court opened a surprisingly large number of them were in the audience.

When Rhodehouse was brought into court by sheriff Shumaker all eyes were quite naturally turned upon him and he was made an object of study. He was considerably bleached and the effects of his six months imprisonment were plainly discernible. He made an appearance considerably to his advantage. He was remarkably cool and collected. Neither the immense audience nor the fact that he was arraigned on the charge of first degree murder caused any noticeable change in his looks, acts or manner. His attorneys were Hon. A. L. Sweet, of Van Wert, and Judge A. R. Calderwood, of Greenville. The state was represented by prosecuting attorney J. Y. Todd, of Van Wert, and J. L. Price, of Lima. Judge Jas. H. Day, of Celina, was on the bench. All were men of high legal learning and this was an indication for a long, hard-fought battle. The very fact that these men had been engaged in the case showed conclusively that every technical point raised in law would be contested to the bitter end. A memorable contest was to be fought and nothing bearing upon the case would be allowed to pass without being shorn of its advantages. Their minds were set to take advantage of every opportunity and every fine point known to the profession was to be introduced and thoroughly and satisfactorly diagnosed.

The regular jury was incomplete, three of the jurymen having been excused. A recess of thirty minutes was taken and a special venire ordered. During recess the venerable father of the prisoner appeared in the court room and affectionately embraced and kissed his son. It was a pathetic scene and had its weight upon the jury. A large number of the prisoner's friends from Greenville were present, also many of the Mackinaw railroad men. They gave him a friendly greeting and extended their best wishes. This, of course, had a tendency to cheer him up and make him more hopeful than he had been at any time since his confession.

After recess it was found that two more of the regular jurors had formed opinions which disqualified them for jury duty and this now made a vacancy of five. Eleven men were then brought in by the special venire. Of this number, nine proved ineligible on account of their decided opinions and were excused. Again a recess was taken and another venire ordered by the court. The second venire brought in eleven more men. There were still three vacant chairs in the jury box and the first three men examined in this special venire passed a satisfactory examination and were given the vacant seats.

The state was now satisfied with the jury but the defense objected to one of the regular jurors and he was excused, thus creating another vacancy. The other regular jurors were then sworn and it was found that not one of them was eligible on account of opinions previously formed and expressed. The second venire was ex-

hausted without filling the vacancies and the judge ordered the third venire and adjourned court until the next morning. The large crowd in attendance remained till court adjourned, though nothing of importance transpired. It was the unusually deep interest in the case that held them.

When court opened the following morning at 8:30 the seats were well filled and the usual interest was manifested. The work of completing the jury was immediately begun. After some argument the state excused Ed Montgomery, one of the jurors previously chosen. It was nearly ten o'clock when the jury was finally completed. It was made up of the following named persons:

John Chilcote, Oliver Sheets, Albert Foust, Joseph A. Gerdeman, John Shearborn, J. M. Hooper, A. Mullenkopf, J. G. Rupright, A. B. Christy, J. H. Rhaney, H. V. Olney and T. B. Barrick.

Prosecutor Todd then stated the case to the jury for the state and and Judge Calderwood for the defense, and the examination of the the long list of witnesses was begun. Following is a summary of the testimony:

John Cooney:—Am conductor on the Mackinaw. Was on train No. 4 coming north the 18th of last July. Van Devander was engineer and Rhodehouse fireman. Spoke to Van Devander last at Celina. Saw him next in the yards at Van Wert lying on his back on the seat, with blood gushing from his head. Rhodehouse was lying on the gangway. He was taken from the cab before the removal of the engine. I heard the last whistle at Stump's

crossing, three miles south of town. The train passed the Van Wert depot at the rate of about six miles an hour and was stopped near water tank by the switch engine. I asked Rhodehouse what was the matter and he said somebody got on the train at Ohio City and hit them on the head with a hammer. My run was from Franklin to Bryan.

Cross-examined:—We left Ohio City on time. I saw lights of Van Wert but heard no whistle. Did not notice electric lights, nor notice crossing Pittsburg track, not until we were in the yards. I did not go out on the platform. The conductor can stop the train with a cord attached to the air brakes. I supposed we were crossing the switch just north of Main street when we were really crossing the Pittsburg track.

E. A. Johnson:—I am clerk for the superintendent of the Ohio division of the Mackinaw. (The witness was then shown a plat of the second and third wards of Van Wert, showing location of the Mackinaw track. He explained the plat, giving distances between Fox crossing, the depot, tank and yards and also explained the location of electric lights along the track.)

W. H. Darling:—Am baggage and express messenger on Mackinaw. Was on train 4 the night of July 18th. I saw the engineer this side of Stump's crossing, about three miles south of Van Wert. He was on his engine sitting on his seat. Saw him through the glass window in the baggage door. Saw nobody else on the engine or steps. Heard last whistle at first road crossing north of

Stump's. We did not stop at the depot in Van Wert. They had taken the engineer and fireman from the train before I saw them. The engineer's head was covered with blood. Rhodehouse was lying on the ground. Did not hear either man say anything. Train due at 10:10.

J. P. Faudree:—I saw train 4 come in from the south on the night of the murder. Was at depot but train did not stop until it passed the water tank. I was sitting on the steps of freight house when train passed. I looked in the cab as train passed, but saw no one. Went to the yards and saw men taking Rhodehouse from the cab. I helped to take Van Devander from cab and lay him on the ground. Helped to wash his head and found brains oozing out at three different places. I had hold of fireman Rhodehouse and found he had received a hard lick on back of head; also saw a cut on back of his head. I heard him ask several times, "Where is Mat?" He told Harry Welch to go on the cab and get his watch.

Cross-examined:—Do not think I could have seen persons in the cab unless sitting on the seats. The brakes were partly on when the train passed the depot. Train was running at rate of five or six miles an hour.

Harry Overholtzer:—I was switchman for Mackinaw road on night of July 18th. Train No. 4 struck switch engine about ten o'clock. I saw Van Devander on the seat box with his head toward the tank. His head was bloody and he was taken from the cab and washed. The collision occurred about a hundred yards north of water tank. I flagged engine 25 but it would not stop. Made

no effort to get on engine while it was running. Rhodehouse was lying on the deck of cab with his head to the north. I carried him from the engine but did not hear him say anything. Saw blood on deck of the cab near Van Devander's seat box.

Cross-examined:—I was near the engines when the collision took place. Had a light with me and there was a light in the cab. The light in the cab simply showed the steam gauges. I was switchman under engineer White who had charge of the yard engine.

E. C. Ring, painter in the Mackinaw shops, exhibited drawings showing side and full views of engine 25 and gave all the measurements of the engine.

W. R. Campbell:—Am engineer on the Mackinaw. I was in the yards the night of the 18th of last July. Saw train 4 come from the south at the rate of five miles an hour and was stopped by coming in contact with switch engine. Saw engineer Van Devander lying on seat, and noticed that his head was injured by four or five blows. Saw Rhodehouse curled up on the floor of the cab, also saw pool of blood on the engineer's side of the engine; did not notice blood anywhere else. I asked Rhodehouse how it happened and he said somebody came over the tank and hit him. The steam of the engine was shut off and the brakes were loose. The train was in a condition to be stopped as soon as brakes were applied. It is the engineer's duty to blow the whistle and the fireman's duty is to ring the bell. The conductor has control of the entire train and under his direction the train is started

and stopped.

Robert White:—I was running yard engine on Mackinaw at Van Wert the night of July 18th. Train 4 struck my engine. I went to the engine and saw Van Devander on the seat with head bloody and Rhodehouse on the floor of cab. Both men were taken from the engine and laid on the ground. Did not hear either man speak. I saw a pool of blood on foot-board of engine 25; also saw blood on window near engineer's seat. The reverse lever was not clear forward when I saw it. I do not know who changed it.

J. F. Peabody:—I am in several different positions on the Mackinaw. Was braking on train 4 the night of the 18th of July. The train whistled about a mile south of the Van Wert depot. Ran past the depot at the rate of ten or twelve miles an hour. Missed no whistles or signals until nearing Van Wert when we missed the station whistle.

George Deal:—I was yard master at Van Wert on the night of the murder. Saw train 4 run into the yard engine. A flag was sent out from the yard engine but was not obeyed. I saw Van Devander lying on his seat and Rhodehouse lying on the deck. We took Van Devander from the engine and laid him on the ground. Saw blood on the floor and windows of cab on engineer's side. After Rhodehouse was laid down he asked me to get his watch. I asked him how it happened and he said some one got on the engine and hit him.

During the afternoon session the prisoner's mother

came into court and immediately all eyes were turned upon her. A sigh of sympathy went up for her, the vast audience fully realizing the pangs that were gnawing at her heart. The signs of anxiety and long sleepless nights were plainly visible in her face. She felt as none but a good christian mother could feel. It was a dark and trying time for her. She saw no sunshine and knew no real happiness in those dismal days. The awful strain that was weighing upon her mind could be read in her countenance. The meeting between mother and son was an affecting one and moistened many an eye in the audience.

Charles Moore was the first witness to testify at the afternoon session. He said he was at the depot when the train passed by on the night of the murder. He followed to the yards and arrived just as they were taking Rhodehouse off the engine. He picked up the hammer that did the fatal work, and when it was exhibited in court it was still covered with blood and hair.

Elmer Ziler:—I was employed in the Mackinaw yards the night of the 18th of July. Saw train 4 come in from the south and collide with switch engine. Saw Rhodehouse lying on deck of the cab. Did not see Van Devander. I helped to take Rhodehouse to his hotel. He spoke of his watch, that was all. There was blood on his clothes.

Joseph Butters:—I was employed as fireman on Mackinaw road. Was in the yards at Van Wert the 18th of July and saw the collision. Saw Van Devander lying on his seat. Saw blood on deck of cab and on the window.

Helped take Van Devander from the cab. Saw Rhodehouse after he was taken from engine. Heard him say a man came over the engine and hit him and Mat.

R. M. Burgoon:—I was in the south part of town the night of the 18th of July and heard train 4 coming in. I heard the whistle at Fox's crossing. The whistle was peculiar and sounded like a danger whistle. There is no system to danger signals. I saw Van Devander at his home and was with him all night. His head was badly bruised; in fact it was pounded to pieces. His right hand was swollen the next morning. He was restless and it required two men to hold him. His left eye was weak. He died about 1:15 in the afternoon of the next day.

When cross-examined Mr. Burgoon said he contributed five dollars to the fund raised to prosecute this case.

Dr. J. K. Woods:—I saw Van Devander in the yards the night of the 18th of last July. He was lying on the ground badly mutilated and unconscious. Was washed and carried to his home, perhaps half a mile from yards. I saw him every few hours until his death. Saw wound above left ear, and back of this was another deep wound from which brain substance issued. There was another wound on the crown and two more on the right side of his head from which brain substance issued. There was also a wound on the back of his head. I made a post-mortem examination. (Witness then exhibited the skull of a man lynched near Rockford, Mercer county, about the year 1872, and located the position of the various wounds.) Four of these wounds were complete fractures.

I noticed Saturday morning that his right side was paralyzed. I saw no wounds except those on the head. I saw Rhodehouse at the Van Wert House at one o'clock the night of the murder. He was in bed and I asked him a few questions but received no answer. I found a slight contusion on the right side of his head and another on the left side. He was breathing natural and his color was good. I saw him again at seven o'clock in the morning and he was perfectly rational. He must have been rational during my first visit early in the morning. I did not treat him because he needed no treatment. In the morning he made the statement to me that some one had boarded the train some place south of town and struck Van Devander and himself, rendering him unconscious.

Dr. G. W. McGavren:—I was called to the Van Wert House about eleven o'clock the night of the murder to see Rhodehouse. A number of railroad men were in the room. I made a careful examination of Rhodehouse and found a slight contusion on top of his head and a slight incision. He complained of pain in his back but I found nothing the matter. I do not think there was much the matter with him. He did not talk during my first visit. I returned to see him about an hour and a half later. His condition was the same. He assumed unconsciousness, but I think he was rational. I returned the next morning and he talked with me and told me something of the manner in which he was injured. He again complained of pain in his back. I made several more visits and he complained some of his back, but I did not treat him for

there was nothing the matter with him. I told him during one of my visits that the impression was that he had murdered Van Devander, but he said nothing. I visited Van Devander that night and next day with Dr. Woods.

Dr. McGavren then gave a minute description of Van Devander's wounds, which did not differ materially from that given by Dr. Woods. He said that either one of the four severest wounds would have proven fatal.

W. L. Rank:—I am an undertaker by occupation. I conducted Van Devander's funeral. Found bruises on his head but none on his hands. I did not notice that his hand was swollen.

J. R. Stith:—I reside at Ohio City. Was acquainted with Van Devander and saw him as he passed through that town on the evening of the 18th of July. He was on his seat in the cab talking to someone on the steps. Do not know who he was talking to. The man remained on the steps of the engine until it passed the lights.

Peter Richards:—Am acquainted with Rhodehouse. I heard him threaten to kill Van Devander if he ever made a move towards him. Heard him make the threat in the Van Wert yards. I have contributed five dollars towards the prosecution of Rhodehouse. Contributed with others to hire a lawyer to help prosecute him. I heard Rhodehouse threaten Van Devander many times. He voluntarily made these threats and I paid but little attention to them.

Joseph Cozier:—Am employed on the Mackinaw road at Bryan. I am acquainted with Rhodehouse. Saw him

the last Sunday in June, and he told me that if Van Devander ever fooled with him he would kill him. I asked him how he and Mat were getting along and he said "all right," and repeated his threat that if Van Devander ever fooled with him he would kill him.

Charles Hosford:—I knew Van Devander by sight. I found a cap along the Mackinaw a mile and a half south of town last July. The cap was Van Devander's. I saw him wearing it and know it belonged to him. Found it the next morning after Mat was reported murdered.

Harry Stevens:—I was formerly with the Mackinaw. Have known Rhodehouse about four years. We were always good friends. I saw him at the Van Wert House Monday, July 21st. Saw him again in the evening of the same day when Riley and I went to his room.

Here a heated discussion took place among the attorneys in the case. The attorneys for the defendant emphatically objected to the witness telling what Rhodehouse told him and Riley. They set up the claim that the prosecution was attempting to force a confession. In order for the court to determine the legality of the point the jury was sent to its room and the witness proceeded to tell what Rhodehouse told Riley and himself concerning the murder. The defendant was on the stand a few minutes to testify on this point but his testimony did not differ to any extent from that given by Stevens. The point the defense desired to make was to show that Stevens and Riley had, by their threats or promises, succeeded in wringing a confession from Rhodehouse. The

defendant's attorneys put prosecuting attorney Todd on the stand and questioned him as to whether or not he had used Stevens and Riley to obtain a confession from Rhodehouse. The evidence thus adduced showed that neither threats nor promises were made to pursuade the defendant to make a confession. The court therefore ruled that Stevens' evidence was admissible and the jury was called in. The witness then began to testify after admitting that he and Riley went to the defendant's room for the purpose of learning the truth of the matter. The witness and Riley told Rhodehouse that the coroner's inquest, which was in progress just at that time, was developing very damaging testimony against him, as several railroad men were giving remarkably straight evidence. They urged him to tell the truth, assuring him that they would do everything they possibly could to help him out of trouble. Riley told him he did not think there was any danger of him being hanged, and both assured him that it would be better for him to tell the truth. Rhodehouse then confessed to having murdered Van Devander. Sheriff Shumaker was then called into the room and immediately after confessing to the sheriff Rhodehouse was removed to jail, those present agreeing not to make the confession public until after the prisoner was locked up and safely beyond the reach of sudden mob violence. Stevens' testimony created a sensation in the audience, as such evidence was unexpected.

A. P. Shumaker:—Am sheriff of Van Wert county. I was at the Van Wert House the evening of the 21st of

last July. I had Rhodehouse under arrest and my deputy was watching the house. I went to the hotel to relieve my deputy so he could go to supper. Stevens and Riley came to see Rhodehouse and I waited on the outside of the hotel until Riley came to the door and beckoned me to come in, saying that Rhodehouse had told all about it and would tell me. I went into the room and Rhodehouse told me that he killed Van Devander. He said he was firing the engine south of town when Van Devander struck him and knocked him down. He got up and got the hammer and struck the engineer two or three times. He said he then dropped down on the floor of the cab. He was watching the Pittsburg crossing and just after crossing the Pittsburg road Van Devander raised his head. Rhodehouse said that he was afraid Van Devander would come to and kill him, so he took the hammer in both hands and hit him on the top of the head as hard as he could strike. This was just before the switch engine was struck. Rhodehouse told me he was afraid of Van Devander and shortly after leaving Franklin on that trip he placed the hammer in the tool-box so the handle would stick out in order that he could easily reach it. I sent for my brother, J. J. Shumaker, and we secured a rig and took Rhodehouse to the jail building. This was about 6:30 Monday evening. There was considerable excitement on the streets and rumors reached me that there would be trouble. I was determined that Rhodehouse should not be injured as long as he was in my care and therefore decided to take no risk, though I

did not think there would be any trouble. I ordered a team and shortly after midnight, in company with marshal Joe Rose, started east with Rhodehouse. The impression was that I was taking him to Lima. We drove east some distance and then returned to town, reaching home about four o'clock. For a long time all thought the prisoner was in the Lima jail.

The witness then produced the blouse and overalls worn by the defendant the night of the murder. They were stained with blood and made some of the audience sick to look at them. After the sheriff explained the blood spots, as explained to him by Rhodehouse, court adjourned until the following day.

The next morning began the third day of the trial. Sheriff Shumaker was put on the stand and cross-examined. He said he had charge of the room at the Van Wert House in which Rhodehouse was confined.

J. J. Shumaker:—I was at the Van Wert House in July after the murder of Van Devander. Was there on the evening of the 21st. Rhodehouse told me that day that he had killed Van Devander. There was no one in the room but he and I when he told me. He said he would have stopped the train had there been any danger of anybody getting seriously hurt.

Cross-examined:—Rhodehouse told me that Mat had been drinking some and hit him, knocking him down and dazing him. He said he was afraid of Van Devander.

Samuel Van Devander:—Am a son of Mat Van Devander. Father died the 19th of July, aged 52.

Here the state rested and the witnesses for the defense were called and sworn. A great many of these witnesses came from Dark county. There were also many citizens in court from Greenville who were not here as witnesses but were warm friends of Rhodehouse and came to see him and hear the testimony. Shortly after the state closed its evidence in the case the defense began the examination of a long list of witnesses as follows:

O. J. Rosebough:—I reside at Huntington, Ind. Am city marshal. Was acquainted with Van Devander. I knew him about eight years. He was dangerous and quarrelsome when in liquor. His reputation was bad when he was in liquor, but he was a gentleman when not in liquor. He was a well developed man and a strong man, very strong.

William Dillon:—I live at Huntington, Ind. Was acquainted with Van Devander. Am on the police force. Van Devander was quarrelsome when drinking. Physically he was a good man. His reputation for quarreling was bad. He was peaceable when sober.

Joseph Whitt:—I live in Van Wert. Knew Van Devander five years. Have seen him try to quarrel. He had the reputation of being a bad man with his fists. He was dangerous to fool with when in liquor. I think he was left handed. I have seen him intoxicated. Do not know whether he ever came in or went out on his run intoxicated. He was a nice man when sober.

David Armantrout:—I live in Van Wert. Am conductor on the Mackinaw. Knew Van Devander and saw

him at Franklin a week before the murder. He had been drinking and said he would kill the man who reported him to the company. He was quarrelsome when drinking but not when sober. He was a stronger man than Rhodehouse. He drank frequently, but I never saw him drunk more than two or three times in my life.

Wm. Ludwig:—I live in Allen county. Was in Ohio City the evening of the 18th of last July when the train went north on the Mackinaw road. "You will be a dead man before you reach Van Wert or you are a better man than I am," were the words I heard coming from the engine. Do not know who said it. That was all I heard.

Cross-examined:—The train was pulling out when the remark was made. I was 25 feet from the engine.

Samuel DeCamp:—I reside in Van Wert. Lived at Castine last July. I passed the train at Castine on the 18th and heard Van Devander threaten to knock Rhodehouse in the head and kick him into the fire-box. In reply Rhodehouse asked the engineer whether he would ever let up. I was not acquainted with either man but knew them by sight.

George DeCamp:—I was at the depot in Castine the evening of the 18th of last July when the train went north on the Mackinaw. Knew the engineer and fireman by sight. Heard the engineer say, "I will knock you in the head and kick you into the fire-box." The fireman said nothing.

John Fight:—I reside at Springfield but was at the D. & U. and Mackinaw crossing the 18th of last July when

Van Devander's train came in. Heard Van Devander tell Rhodehouse to get a jug of water. Sam said he did get one. "You listen to me or I'll knock you in the head and throw you in the fire-box," said the engineer. Told the incident two days later to the deputy sheriff of Dark county.

John Haworth:—I reside at Greenville. Knew neither Rhodehouse nor Van Devander. Was at Tecumseh the evening of July 18th when the Mackinaw train stopped at that station. One man got down off the engine and the other said: "I will get you yet; I'll kill you before we get to Van Wert." It was the smaller man of the two who got off the engine. I think defendant was the man. Was within ten or twelve feet of the engine.

J. F. Gearhart:—I reside at Greenville. Knew Van Devander when I was ticket agent at Germantown in '87. Know nothing personally of him getting drunk.

John Winters:—Am station agent at Franklin. Was acquainted with Van Devander and Rhodehouse. Never saw Van Devander drunk.

Lewis Gabee:—Live at Germantown. Knew Van Devander about three years. Have drank with him and shook the box with him. Know nothing at all about him being vicious.

Cross-examined:—I liked Van Devander's company. He was a gentlemanly fellow. I saw him full about three years ago.

W. H. Myres:—I live at Germantown. Knew Van Devander by sight. Have seen him stagger to his en-

gine. I suppose he was drunk. I saw him helped on his engine once. Heard him spoken of as a vicious and dangerous man when intoxicated. This was about three years ago.

George Reproble:—I knew Van Devander. Saw him drunk once. Heard that he was quarrelsome when intoxicated.

C. Neff:—Was formerly proprietor of the Van Wert House. Van Devander boarded with me for sometime. He was reputed to be a quarrelsome man when intoxicated. He boarded with me during the year 1889. He was a strong, muscular man. He was very quiet and orderly when sober.

J. R. Burkett:—I met Van Devander several times at Germantown. Saw him drink several times and saw him fall off his engine about two years ago. He was considered dangerous when intoxicated.

Cross-examined:—He was not dangerous when I was with him.

W. D. Shaffer:—I live at Germantown. Knew Van Devander. Never saw him drunk. He had a bad reputation among the people of Germantown.

David Schoonover:—I live at Franklin. Knew Van Devander and Rhodehouse. Saw them as they were leaving Franklin with their train on the afternoon of the 18th of last July.

Henry Conover:—Live in Van Wert and knew Rhodehouse and Van Devander. Am employed on Mackinaw railroad. Considered Van Devander a dangerous man.

He was a man who drank. Never heard anybody say he was dangerous when sober.

Charles Conover:—Live in this city. Knew Van Devander three years. He was very quarrelsome when intoxicated. He was reputed to be a bad man. When he was sober there was nothing wrong with him.

N. S. Harvey:—Live in Van Wert. Am engineer on the Mackinaw. Knew Van Devander and Rhodehouse. Van Devander would frequently become intoxicated and then become quarrelsome. He would be pretty full occasionally when starting out on a run, but not when he came in. He was all right when sober.

Samuel Class:—Live in this city. Am engineer on the Mackinaw. Knew Van Devander and fired for him three years. When drinking he was inclined to be quarrelsome, but was always peaceable when sober. He had the reputation of being a fighting man. He was an extraordinary strong man.

Miss Hartoon:—I was dining room girl at the Van Wert House two years ago. Knew Van Devander. He was a cross man and seemed to want to quarrel. Often came into the dining room intoxicated.

John Niles:—I saw Van Devander on Thursday before the trouble Friday. He told me that Rhodehouse could not fire for him any more, as Rhodehouse had reported him and he would have to leave his engine. Saw Van Devander at Tom Noble's on Thursday when he told me about Rhodehouse. He was slightly intoxicated when he told me.

Mrs. Anna Wilbur:—I knew Van Devander when he boarded at the Van Wert House. He seemed quarrelsome and was often intoxicated.

Dr. J. K. Woods:—I was at Van Devander's residence shortly after he was taken there the night of July 18th. He vomited and there was a strong smell of liquor from the contents of his stomach. There was liquor on his breath at the yards.

Amzie Steele:—I live at Toledo. Knew Van Devander two years. We both worked on the Mackinaw road. I regarded him as a vicious man when he was under the influnce of liquor. There was little difference in weight between Rhodehouse and Van Devander.

Ed Bell:—I reside at Greenville. Knew Rhodehouse and Van Devander. Van was quarrelsome and dangerous, and considered a bad man when intoxicated. Fired one or two trips for him.

G. C. Taylor:— I live at Franklin and work for paper company. Was there on the 18th of last July and saw both engineer and fireman. They were in the cab and Van Devander got off the engine and said to Rhodehouse: "If you get off the engine you will not see Van Wert tonight." Rhodehouse said, "I did not say it and will prove it to you when we get to Van Wert."

Dr. G. W. McGavren:—I saw Van Devander at his home on the 18th of last July. He vomited freely and I smelled the fumes of liquor. There was undigested food in his stomach.

Phil France:—Live in Van Wert and saw Van Devan-

der on Sunday after his death. His left hand was badly swollen but I noticed no bruise.

Frank Stuckey:—Saw Van Devander on Sunday after his death. His left hand was swollen. His right hand may have been swollen but I did not notice it.

W. M. France:—Saw Van Devander after he died. His left hand was discolored and swollen. Did not notice his right hand being swollen.

Ed Whitt:—I live in Van Wert and knew Van Devander two years prior to his death. Was a quarrelsome, vicious man and had that reputation. I saw him under the influence of liquor a number of times. He was very quarrelsome when intoxicated. He threatened to smash his fireman. This threat was made at the Van Wert House. He talked with Andrews and threatened to smash Rhodehouse for reporting him.

Cross-examined:—I sat with the counsel for the defense yesterday afternoon and made suggestions to counsel as to questions they asked several witnesses. I am interested in the defense. Van Devander was a dangerous man, either drunk or sober.

Frank Royce:—Am hostler on the Mackinaw. I was in the yards at the time the train came in on the night of the 18th of July. Saw Van Devander on the engine and noticed that his left hand was swollen. Did not examine his right hand.

George Fomse:—I live at Greenville and knew Van Devander. He was a dangerous man and was so considered. Saw him drink but never saw him drunk. I

last saw him take a drink in 1888.

John Olinger:—Live at Bryan. Knew Van Devander four years. Was a quarrelsome man and a very strong man. He was a drinking man. Was dangerous when drunk but very quiet when sober.

Wm. Andrews:—Live in this city. Knew Van Devander and saw him frequently. He told me one time that if his fireman ever reported him he would smash him and throw him into the fire-box. He did not mention Rhodehouse's name. This was last spring.

Chancy Eagy:—Live at Lima and knew Van Devander. I know very little about his character.

Wm. Larimer:—Live in this city. Have been engineer on the Mackinaw six years. Knew Van Devander. He had the reputation of being quarrelsome when drinking.

Here a recess of ten minutes was taken, after which two of the prosecuting witnesses were called to give testimony in rebuttal. They testified as follows:

Lewis Wentz:—Reside at Franklin. Knew Van Devander by sight. I saw him at twenty minutes past five o'clock on the afternoon of July 18th. He was oiling his engine. There was somebody in the cab. Do not know who it was. I saw nothing wrong with Van Devander. Saw him frequently but never saw him intoxicated.

E. Boswell:—Live at Franklin. Knew Van Devander two years and a half. Saw him often. Saw him on the afternoon of July 18th as he was on his way to his engine. He was sober. His character was peaceable, so far as I know. Saw Rhodehouse in the engine on his seat. Saw

Van Devander there also. Do not know what they were talking about. The train pulled out about a minute after I noticed them.

Cross-examined:—They had been to the junction a mile below and had come back. I saw Van Devander every time he came to Franklin and each time he was all right.

Court then adjourned and the following morning began the fourth day of the trial, and the examination of the witnesses for defense was resumed.

David Bashore:—Am city marshal of Germantown. I knew Van Devander by sight. He was a drinking man and was considered dangerous and quarrelsome. I considered him a powerful man and he bore that reputation.

Frank Long:—Live at Germantown. Knew Van Devander three or four years. I never saw him quarrel but he was considered quarrelsome. Have seen him under the influence of liquor but not often. I never saw him quarrel with anybody.

Mrs. H. Wilson:—Live by the railroad at Castine. I knew Van Devander three years prior to his death. Did his washing for him. He was a dangerous and quarrelsome man. I was at home on the 18th of last July when his train passed my house, and as it passed I heard Van say to Rhodehouse, "I will fix you."

Cross-examined:—I cannot hear well when I have a cold; have a cold now. Did not tell anybody about the fuss. The lawyers came to me about it and I told them what the engineer said. The train was not standing still

when I heard the words, "I will fix you." The fireman was ringing the bell at the time. The train stops more than twice the distance across this court room from my house. It is not a quarter of a mile.

Mrs. E. DeCamp:—Live in Castine about ten feet from the Mackinaw track. Knew Van Devander and Rhodehouse. As the train was slowing up for the depot I heard Van say, "I will fix you before we get to Van Wert." He was considered a dangerous man and little children would run from him when his train would come into town.

Cross-examined:—I did no washing for Van Devander. I lived in the second house from Mrs. Wilson. Lived in Castine thirteen years. I don't know how many inhabitants the town has. Have no idea how many. Did not see children run from Van but heard so. Heard the remark as the train passed my house. Don't know whether the train made any noise or not.

Mrs. Shoemaker:—Live at Castine. Knew Van Devander by sight. Live about 35 feet from where engine stops. Was at home on July 18th. Heard Van Devander say, "If you don't attend to your own business I will see that you do." I was within 18 feet of the engine. Van had the reputation of being a quarrelsome man.

Lizzie DeCamp:—Live in Van Wert now but lived at Castine last July. I was at the depot on the evening of the 18th when the train came in. I heard Van say, "I will knock you in the head and throw you into the furnace." Rhodehouse said, "Will you never let up?" Was close to the engine when the remark was made.

Wm. Moss:—I was formerly employed on the Mackinaw road. Knew Van Devander. When drinking he was sometimes quarrelsome. His reputation was bad and he drank considerably. He was a very strong man. He was not quarrelsome when sober.

At ten o'clock Rhodehouse was put on the stand to tell his own story. The public was anxious to hear the defendant's testimony, consequently when he was put on the stand the seating capacity of the large court room was jammed and every foot of standing room occupied, and hundreds on the outside pushing and crowding and making a vigorous effort to get in. The defendant told his story to the jury as follows:

"I am the defendant in this case. My parents reside at Greenville. I have been living in Van Wert during the past two years. I have been employed on the Mackinaw six years, half of which time I was fireman. Fired for Van Devander from last March to the time of the trouble, except about one week. Van Devander had hard feelings toward me for a couple weeks before the trouble. He thought I had reported him to the company for drinking, but I had not and told him so. Van said he would kill the man who reported him. He could handle me like a boy. He was considered the strongest man on the Mackinaw. I was afraid of him. He wanted to fight when under the influence of liquor. On the 18th of July, at Franklin, I reached the engine before he did. When he came he said: "I have found the man who reported me and you are the man." I told him I had not and would

prove it when we got to Van Wert. I do not know how long this was after his threat at Van Wert to kill the man who reported him. Carlisle is the first station north of Franklin. He quarreled with me along the road but I told him to wait until we got to Van Wert and I would prove to him that I had not reported him. Van had a bottle of whisky and drank from it. He wanted me to drink, and said it would be the last drink I would take. I did not drink, for whisky makes me sick. At Carlisle Van said he would knock me in the head and throw me into the fire-box. I asked him if he would never let up. At Tecumseh Van said: 'You will never get to Van Wert alive.' We reached Greenville at 7:15. We stopped at the D. & U. crossing this side of Greenville and Van told me to get a jug of water. I told him I had gotten a jug of water. He said: 'You mind me or I will kill you and throw you into the fire-box.' I got the water and brought it to the engine. The last regular stop south of Van Wert is Ohio City. As we were pulling out of Ohio City Van looked at the clock. I remember we were on time. He then said: 'You will never get to Van Wert alive unless you are a better man than I am.' I said nothing, because I was afraid of him. Before we got to Stump's crossing, which is a flag station, I got the soft hammer and pretended I was fixing the shovel handle. When I returned the hammer to the box I let the handle stick out so I could get it if he attacked me. I was afraid of him. We passed around the curve and were on the straight track north of Stump's when he said: 'I guess I will do

it now.' He struck me with his left hand, knocking me down and dazing me. I got up and he tried to get up at me. I grabbed the hammer and he tried to strike me, but I hit him with the hammer several times. I then laid down on the floor of the cab. I was afraid of his friends—afraid they would lynch me. I laid the hammer back after I laid down. I was not up from the time I laid down until after they took me from the engine at the yards. I do not remember striking Van after crossing the Pennsylvania track. I would have told all about it at once but was afraid of being lynched. I told the story of a man getting on the engine and hitting us because I was afraid if I told the truth Van's friends would lynch me. That was the way I felt about it until I made my confession. I made the same statement to Shumaker that I made to Riley and Stevens. Riley and Stevens told me about the coroner's inquest. They said the evidence was against me and urged me to tell all. Welsh said Mat was getting well and that Mat said I hit him. Detective Harley was with Welsh. Mat did not say, 'O Sam!' after I hit him several times, and I do not remember of telling anyone so. I never made any threats that I would kill him, but said if he would attack me I would defend myself."

Rhodehouse was then put through a rigid cross-examination, which was conducted by attorney Price. Every question that had any weight was brought up. The defendant bore the searching examination remarkably well, answering all the questions without hesitation and firmly

maintaining his former declaration, that he had acted in self-defense. The prosecution passed carefully over the events preceding the murder on the 18th. There was no perceptible change in the prisoner's testimony from that given on direct examination concerning the incidents of the trip from Franklin to Van Wert. He denied all statements, made by other witnesses, that did not conform to the testimony that he gave on direct examination. He was well guarded in his answers and many questions put to him received for answers, "I don't know," or "I don't remember." He said his reason for feigning unconsciousness was that he was afraid of being lynched. He was on the witness stand about two hours and at no time did he become noticeably confused. The cross-examination was an unusually severe one but his memory was good and he stood the test with remarkable ease. The story told on direct examination was kept constantly in his mind.

Some of the witnesses were re-examined as fallows:

W. R. Campbell:—My engine was standing on the sidetrack in the yards when train 4 came in on the night of July 18th. There was a cab light in engine 25 when it passed me. I looked into the cab and called to Van to hold. I saw nobody in the cab. It was no more than a minute after the collision until I reached the engine and it was less than a minute from the time the engine passed me until it struck the switch engine. I saw the engine as it came into the yards and watched it until it struck.

Ed Whitt:—Sam's blouse and overalls were in room 2

of the Van Wert House. The clothes were taken away on Tuesday after Sam was taken away on Monday. The sheriff took charge of them. The style of engine 25 enabled the engineer to get out of the seat very easily. The engineer could easily strike a man standing on the floor of the cab without getting out of his seat

Joe Whitt:—I was in charge of the hotel at the time of the trouble. Nobody, unless it was my brother, knew where the blouse and overalls were while at the hotel.

The evidence for the defense was now closed and the prosecution introduced the following testimony:

A. H. Watts:—I am master mechanic of the Mackinaw. Knew Van Devander five months. I was foreman of the shops here and Van was under me. As far as I know he was a very peaceable man and attended to his business. I saw him go out and come in on his run. I had power to change engineers only through the master mechanic.

Cross-examined:—Van was under my charge only when he was in the shops. Heard several times that he drank. Engineer Riley, I think, reported to me that Van Devander was drunk at Manitou Beach, about two weeks before Van was killed.

Joe Stewart:—I reside at Harrison, Ind., but am here temporarily as conductor on the Mackinaw. I knew Van and ran with him frequently. As far as I know he was a peaceable man.

It was now nearly nine o'clock in the evening and court adjourned until the next morning.

The largest crowd of people that ever assembled in the

Van Wert court house was present on Friday, the fifth day of the trial. Not only was the court room crowded but the entire building from basement to tower seemed well filled. Many of those in the court room did not leave their seats during the noon recess and had their dinners brought to them, so anxious were they to be within good hearing distance. They did this in order to retain their seats. The massive crowd was not there merely through curiosity. They wanted the facts in the case and were there to catch every word that was of interest. The sheriff had no difficulty however in maintaining perfect order. It was a quiet, orderly crowd, but the newspaper men and attorneys had no special rights reserved that were not grossly infringed upon by spectators overanxious to locate themselves around the counsel and prisoner. There was always somebody waiting who was bold enough to grab a chair within the bar when an opportunity was offered. If an attorney or newspaper reporter left his chair a moment there was no positive assurance that he would regain possession of it the same day. This condition of affairs led Judge Day to humorously remark that he had ordered the sheriff to keep a close watch on his bench and see that no one took it. The witness chair was the only one that was avoided by the intruders.

The friends of Rhodehouse who came up from Greenville were numerous and enthusiastic. They were outspoken in their declaration that Sam would be acquitted and that he would accompany them home. They did

much toward creating sentiment in his favor. They were among the best people of Dark county and commanded respect. The women of Van Wert and Greenville, and other places, thronged the court room each day of the long and tedious trial and the sympathy of the most of them was with the prisoner. Attorney Sweet, for the defense, was their idol and it seemed they inspired him with new power each day, and to him Rhodehouse owes a debt of gratitude that he never will feel able to pay. Sympathy for the defendant was intensified by his good mother who occupied a seat at his side during the trial.

Immediately after court opened Friday morning the argument was commenced. The evidence in the case was thoroughly recited and the argument throughout was of deep interest. It lasted all day Friday and was not closed until an hour after court opened Saturday morning, during all of which time the vast audience was held as if spell-bound. All the attorneys in the case labored earnestly and industriously. Their zealous effort was worthy of the highest comment. The ability and fairness with which prosecutor Todd conducted the case elicited commendation from the judge and much praise from both sides. He was ably assisted by Mr. Price. The burden of the defense was borne by Mr. Sweet, who worked on the case day and night with more than his usual degree of energy. He seemed to sincerely believe that Rhodehouse was innocent and brought to bear upon the case all the power of his great legal learning. Never in the history of northwestern Ohio was an abler defense

made. He was highly complimented by hundreds of people who closely watched him during the trial. Attorney Price in his closing argument boldly declared that in all his legal career he had never witnessed a case more ably handled than was the defense by Mr. Sweet. His plea was earnest and impassioned and drew sympathy to the prisoner. It was indisputably the best, ablest and most powerful and effective plea ever made before the Van Wert bar. Its effect on the jury was plainly discernible. It was delivered with a converting power and made friends out of foes. It caused many to consider the matter in a light in which they had never considered it before. Judge Calderwood, who assisted Mr. Sweet, also delivered a very able address to the jury, but he displayed no ability out of the ordinary.

Judge Day then proceeded in his learned and eloquent manner to instruct the jury. Every ear was open and the eyes of a host of people were set upon him. His charge to the jury was carefully prepared and covered every feature in the case. The law pertaining to the crime was frequently cited and plainly construed. Following is an extract of the most important sections of the charge:

Gentlemen of the jury:—You are now called upon to decide by your verdict an issue of grave importance, not only to the defendant, but to the public; because it involves the liberty of a citizen. You have, with commendable patience and attention, and I trust, in the true spirit which should actuate jurors in the trial of so grave and important a matter, listened to the presentation of the

evidence and argument of counsel for and against the accused and it only remains now for the court to instruct you as to the law of the case, and the rules by which you will deal and apply the facts in making up your verdict.

The charge made against the defendant, Samuel Rhodehouse, is that of murder in the second degree; and is by indictment of the grand jury of your county duly found and returned. The indictment charges, "That the defendant, Samuel Rhodehouse, on the 18th day of July, A. D., 1890, in the county of Van Wert and state Ohio, did unlawfully, purposely and maliciously kill and murder Madison M. Van Devander contrary to the statute in such cases made and provided and against the peace and dignity of the state of Ohio."

The statute upon which the prosecution is based and under which this indictment is found provides as follows:

1st. Whoever purposely and maliciously kills another * * * is guilty of murder in the second degree

2d. Whoever unlawfully kills another * * * is guilty of manslaughter.

There is but one count in this indictment and that charges the defendent with the crime of murder in the second degree. The still lesser grade of homicide, as manslaughter, is in law considered as embraced and included in the charge of murder in the second degree, on the theory and principal that the lesser is always included in the greater without being seperately described; and accordingly, if the facts justify it, the prisoner, under the indictment, may with propriety be found guilty of either

murder in the second degree, manslaughter, assault and battery, or even of a simple assault.

To constitute the crime of murder in the second degree: First, the act must be done purposely and maliciously. Second, with intent to kill. Third, without deliberation and premeditation. Malice and intent to kill are essential ingredients to murder in the second degree, but when the act is unlawfully done the law implies malice.

To constitute the crime of manslaughter it must appear: First, that the killing was unlawful. Second, that the act was done without malice, either upon a sudden quarrel or unintentionally while the slayer was in the commission of some unlawful act. Third, while malice is not a necessary ingredient of manslaughter, yet a malicious killing, if done unintentionally, would be manslaughter.

Assault is a wrongful offer, by force and violence, by one person to do a corporal hurt to another person, coupled with a present ability to carry the offered violence into effect; and if the offered violence is carried into effect by a striking or forceful touching of the person of the assaulted party, that would constitute the crime of assault and battery.

To the charge made in the indictment the defendant has entered a plea of "not guilty," and this constitutes the issue: Is the defendant, Samuel Rhodehouse, guilty or not guilty? That is the serious and important question for the consideration and determination of this jury.

You will first determine from the proofs whether the man, Madison M. Van Devander, is dead, and was he dead at the time this indictment was filed. If so, then did he come to his death at the hands of the defendant as charged in the indictment, in the county of Van Wert and state of Ohio? As already stated, under this indictment you may find the defendant guilty of murder in the second degree, or manslaughter, or assault and battery if the proofs should justify it. It is, therefore, important that you should fully understand precisely what is necessary to constitute each of the crimes named. If you find that Madison M. Van Devander came to his death at the hands of the defendant, you will consider further—Was the act, the killing, done purposely and maliciously? The proofs must satisfy the mind that the defendant, when he produced the death of the deceased, purposed or intended to kill, and that he done the deed with malice but without premeditation or deliberation.

You will look to all the evidence and determine whether or not the act was maliciously done. If, upon consideration, you find that the defendant did purposely and maliciously, but without premeditation or deliberation, kill Madison M. Van Devander as charged in the indictment and if you find all this from the evidence in the case, beyond a reasonable doubt, that would constitute murder in the second degree, and it would be your duty to so find and return by your verdict.

If you should find from the evidence that the defendant formed in his mind the intention to deliver the blow,

or blows, which resulted in death, but without any intention to cause death thereby and that the same was done either upon a sudden quarrel or unintentionally, while the slayer was in the commission of some unlawful act, then the crime would be manslaughter.

The proofs in the case introduced and relied upon by the state are made up, in some part, of admissions or declarations of the defendant and of evidence known as circumstantial, which the prosecution claims clearly inculpates the defendant and points to him as the guilty party. Confessions alone, it is my duty to say to you, are not sufficient to prove the body of the crime in cases of homicide. They must be corroborated by other facts and circumstances to have that effect.

In considering the declarations of the prisoner, as detailed by witnesses, you should sift the evidence carefully and critically. Examine the circumstances under which they were uttered and heard and detailed. Declarations made by the prisoner when agitated and excited by passion, or physical or mental suffering, or when very much depressed and despondent, should be received and weighed with caution and be given only such weight as, under the circumstances, they may be entitled to. They are often thoughtlessly made, imperfectly heard, inaccurately remembered and carelessly detailed in evidence. There is danger that the witness may substitute his own words for those of the prisoner and convey to the jury ideas never within the contemplation of the prisoner. Under such circumstances declarations of the defendant

in evidence are entitled to very little, if any, weight. It is only where declarations are deliberately made, accurately remembered and correctly repeated that they are entitled to full weight and consideration at the hands of the jury. You will examine this branch of the evidence then with caution. You will determine whether, when the different declarations were made, the prisoner was agitated and excited or whether they were coolly and deliberately made, were they voluntary, the number of times they were made, whether correctly remembered and repeated, as well as the circumstances under which they were made; and you will give the evidence such weight as in your judgment it is entitled to under all the circumstances.

You are to carefully consider all the testimony in the case under the rules I have given you, and from such consideration you are to form your conclusions as to the guilt or innocence of the defendant. If, after such careful and candid comparison and consideration of all the evidence in the case, you are of opinion that a case of murder in the second degree, or manslaughter, or assault has been made out against the defendant you will then proceed further and ascertain whether the defendant was justified in doing that which is shown by the evidence to have been done.

It is suggested and claimed on behalf of the defendant that if the evidence has shown him guilty of the charge of killing the deceased, Madison M. Van Devander, he was justified in the act of killing, as having been done in

self-defense. It is suggested by counsel for defendant that by reason of the menacing and apparently dangerous character of the conditions, facts and circumstances attending and surrounding the transaction the defendant was in imminent danger of death or great bodily harm from the deceased, and that what the defendant did at the time was in defense of defendant's person from such threatened imminent danger of death or bodily harm.

The right of self-defense in its most comprehensive sense is fully recognized and conceded in this state. This law as defined by the court is most just and liberal. Every person has a right under the law to protect his life, his person and his property from assault and injury, and for that purpose has a right to oppose force; nor is he now required, as was formerly held to be the law, to retreat to the wall, as it was called, before making use of the necessary force to repel the threatened violence. He may stand up like a true man and defend himself, and in a proper case may take the life of his assailant.

As to the existance and imminence of the danger and the necessity of taking the life of the deceased the defendant, under the law, was himself required and permitted to judge. Nobody else could judge for him and the law did not require him to judge infallibly; nor as you, in the same circumstances, might have judged. The law only required him to judge honestly and reasonably. And in such case the law does not with nicety and severity judge of his judgment nor require you to judge of it. While a person who is assailed has a right to meet force

with force he will be required to reasonably proportion the force employed in resistance, to the nature and character of the assault made upon him, yet in this regard the law will not measure by nice distinctions. If the defendant, in the supposed imminent dangerous situation employed more force than was strictly necessary or resorted to means that may not have been strictly necessary he is not responsible for so doing, unless such force or such means was greatly disproportionate to the requirements, or apparent requirements, of the occasion, or was such as to show wantonness or revenge, or a malicious purpose to injure the deceased. In such case he would be liable for the excess.

Apply these rules and principles, gentlemen of the jury, to the case at bar and if you find and are satisfied from the evidence before you that the defendant in the careful and proper use of his faculties, in good faith, believed and had reasonable ground to believe that he was in imminent danger of death or great bodily harm from the deceased by reason of the assault made on him and that he could not free himself from such danger, but by taking the life of his assailant, he would be justified in so doing and it would be your duty to acquit him.

In determining this question of self-defense it is your duty to take into consideration all the surroundings, situation and physical capacity of the parties and ascertain what, if any, circumstances there are in the case to support the claim suggested for the defendant. Was the deceased of a violent, vicious and dangerous character, and

was the defendant inimical to him? Had the deceased threatened the life of the defendant, and was he in such attitude towards the defendant at the time of the killing as to reasonably arouse an apprehension of imminent danger of death or great bodily harm? Was the deceased in the act of assaulting the defendant at the time of the killing? The circumstances in evidence before you will aid you in determining this question, and you will give them careful consideration, as well as all other matters and facts properly in the case, which in your judgment may have a legitimate bearing on the issues and may aid you in their solution.

It is incumbent upon the defendant to make out this defense to your satisfaction by a preponderance of the evidence. A preponderance of evidence does not mean a greater number of witnesses, but has reference to the quality of the proofs and means that which best satisfies and outweighs, in your minds, the opposing proofs.

If, under these rules, the defendant has made out his defense of self-defense you will accordingly so find and report in your verdict.

Then, gentlemen, you will take the case with all the facts and circumstances that have been given in evidence and apply to it the rules of law I have given you. Give it such fair, careful and candid consideration as its magnitude and importance deserve. The case has been carefully and ably tried by the counsel for the state and on behalf of the defendant. I have as fully and carefully as I can given you the law governing it and now it remains

for you, without prejudice, passion or feeling for or against the defendant, to determine it. You pronounce upon the simple question of guilt or innocence as disclosed in the evidence. With the consequences of your verdict you have nothing to do. You will consider the case without reference to that, and in the light of the evidence alone. If, after full, fair, careful and candid consideration of all the testimony, you find that the state has failed to make out its case, or if you find that the defendant was justified in the act as being in self-defense, under the rules given you, you will acquit the defendant. If, however, you find the state has made out its case and that the defendant was not justified, your verdict will be that of guilty; and, if you so find, you will state in your verdict whether you find him guilty of murder in the second degree, of manslaughter, or of assault and battery.

JAMES H. DAY.

It was nine o'clock Saturday morning when Judge Day concluded his charge to the jury and immediately thereafter the jury retired to their room to decide upon a verdict. All day an anxious crowd haunted the court house corridors and stood about the court room hoping a verdict would be returned, but the day passed and no verdict came. The people then retired to their homes to comment on the probable result. Saturday night passed and not a word had come from the jury room, except that one of the jurors had taken suddenly ill and a physician was called. His illness was of brief duration however and the work of determining a verdict was resumed. The

next day was Sunday but the jury remained locked in their room to consider the degree of punishment to be meted out to the prisoner. During all this time public interest did not abate to any noticeable extent. All day a large crowd remained in the court room hoping to be present when a verdict was reached, which was hourly expected.

It was quietly rumored that the jury, upon first ballot, stood six for manslaughter and six for acquittal, and then it became a stubborn contest as to which side would hold out the longest. Meantime the public was anxiously looking, watching and waiting for the final verdict in the great trial. At last the spell was broken by a wrap at the jury room door. It was 10:30 o'clock Sunday night when the jury filed into the court room and J. G. Rupright, as foreman, handed in the verdict that found Rhodehouse guilty of assault and battery.

The verdict was quite unsatisfactory all around. It pleased nobody; in fact, was very much unexpected. It was belived that a verdict would be reached either for manslaughter or acquittal. One of the two was the only decision that could have been justly rendered. It was generally conceded that the prisoner was guilty of manslaughter. The prisoner openly confessed that he killed Van Devander and he either did it wilfully or in self-defense. The attorneys for the defendant made their fight on the ground of self-defense and it was considered a legal impossibility, on such grounds, to find a verdict of assault and battery. The verdict as returned by the jury

was the result of a long contest and a final compromise. It was the source of much unfavorable comment and criticism from all classes.

Rhodehouse was not sentenced until several days after the verdict was rendered. During the time intervening there was no limit to the discussion of the sentence that the court would give him. Many were inclined to think that Judge Day would give the prisoner a nominal fine and allow him to go without a work-house sentence. They held to the opinion that the verdict practically acquitted the defendant and the court would so consider it and let him off with a nominal fine. There were others who believed and argued that the court did not concur in the verdict of the jury and that he would make the sentence the heaviest prescribed by law for assault and battery cases.

When Rhodehouse was finally brought into court to receive his sentence the court room was packed with the usual anxious crowd. The prisoner was accompanied by his father and displayed the same caste of countenance that he maintained during the long and exciting trial. Judge Day inquired of him whether he had anything to say why sentence should not be pronounced, to which he replied that he had not except that he wished to thank the court, the jury and counsel for favors shown him. The court told him that he had just reasons to be thankful to the jury for the verdict rendered, considering the gravity of the charge. He was certainly very fortunate in having his trial in a county where public sentiment was

in his favor. The court stated that he did not concur in the verdict returned by the jury, and could not understand how the jury could conscientiously arrive at such a conclusion after considering the law and evidence in the case. He thought the verdict was not at all in accordance with the proofs offered. In the candid judgment of the court the defendant was guilty of manslaughter. A morbid public sentiment had been created by the sentimentalists and exerted in favor of the prisoner. Of course, the verdict was clothed with law and dignity and on this ground alone was entitled to respect. The court sentenced Rhodehouse to pay a fine of $200 and be imprisoned in the work-house at Toledo for a period of sixty days, and that he stand committed until the fine and costs of prosecution were paid or secured.

The friends of Rhodehouse considered the sentence an unnecessarily severe one, but it was very satisfactory to those who were in variance with the verdict and believed him guilty of manslaughter. The costs of prosecution aggregated $1,893, and unless the costs could be secured he would be required to work out the amount at the rate of sixty cents a day. It would require eight years to work out the costs at this rate. Thus it will be seen why the friends of Rhodehouse considered the sentence an unmercifully severe one. The fact is, it was a severe one considering the verdict returned by the jury, but it sank into insignificance when compared with the enormity of the crime. But he remained in the work-house only long enough to serve his sentence of sixty days. He was

then released by order of the commissioners of Van Wert county.

The costs of prosecuting the case had to be paid by the county and to keep him at the work-house would cost the county forty cents a day for his board. This would amount to $2.80 a week or $134.40 a year. To serve full time the county would be put to an additional expense of nearly $1,100. As there was a law empowering the commissioners to make such arrangements in cases of this kind as they considered best, they deemed it advisable to accept such amount of the costs as could be raised by Rhodehouse and release him at the expiration of the sixty-day sentence. Accordingly he and his friends at Van Wert and Greenville raised something over $500, which was paid over to the county commissioners and in just sixty days after receiving his sentence he walked out of the work-house a free man.

The deed was done and the penalty paid. He no doubt enjoyed his liberty after being in close confinement nearly ten months. He had always borne a good reputation and there was nothing in his countenance or personal appearance suggestive of viciousness. The character of his people was above reproach. He was raised right and undoubtedly his desire was to do right, but in a violent fit of uncontrollable anger he pounced upon a fellow-man and slew him in the most fiendish and appalling manner possible. In doing so it must be remembered that the circumstances were such as would tend to lessen the degree of the crime. Just at that time he was

greatly agitated and it is possible that he considered it necessary to commit the deed in self-defense, but circumstances indicate that the engineer was on his seat looking forward on the track when the first blow was dealt. Whether this is true or untrue is not a question for discussion here. His claim of acting in self-defense was generously respected by all liberal-minded people. Van Devander's last run was also the last run for Rhodehouse. He has quit railroading and now holds a responsible and lucrative position in the Greenville fire department.

Public opinion in Van Wert was considerably divided. Some people held that Rhodehouse was justified in committing the act, that it was a case of self-defense. Others said it was manslaughter; and there were others who held that it was a plain case of first degree murder. Those holding to the latter opinion were few however. Of the four newspapers then published in Van Wert three of them, namely, the *Daily Bulletin*, the *Daily News* and the *Times*, helped to mold public sentiment against Rhodehouse and were very much displeased with the verdict of the jury but were highly satisfied with the court's sentence, as were the people generally. They denounced the verdict in the broadest terms. They wanted a verdict for manslaughter and could have been satisfied with nothing less.

The other newspaper, the *Republican*, took up the side of the defense and strenuously advocated the innocence of Rhodehouse. It firmly maintained this stand from beginning to end, and did much toward creating a morbid

sentiment in favor of the accused.

Thus closes the history of one of the darkest crimes and most memorable cases that ever took place in this section of the country. It is a blot in the great history of northwestern Ohio that can never be erased.

This little book would be incomplete should it close here without making any reference to the sad death that quickly followed that of the brave engineer. In a few days after the burial of Van Devander a great change came over the one who had stood by him and strolled with him hand in hand through life for more than a quarter of a century. She had shared in his joys and sorrows, rejoiced when he was glad and wept when he was sad. She comforted him in his days of adversity and lightened his burden with her soothing words and smiling countenance. Never were the domestic duties of woman more nobly and faithfully performed. But after his death sorrow weighed heavily upon her and an alarming change was noticed in her appearance. It was more than her constitution could endure. She grew weaker day by day, and in three months after the death of her husband her soul went forth to meet its Maker. The best medical skill could do nothing for her. She gradually wasted away and died of grief superinduced by the shocking death of her husband. "Died of a broken heart," tells the whole story. Sad, sad and pitiful the picture and true the words. She was lain to rest in Woodland cemetery beside the remains of him whom she loved and adored in life. Hers, during the last few years of life was

a bitter lot and little can you wonder at her strange death.

In 1884 one of her sons, whom she dearly loved, was cowardly murdered at Huntington, Ind. He was assassinated in cold blood by the son of a minister. The murder was committed on the street in the presence of the young man's father, victim of the Mackinaw cab tragedy, but so suddenly and unexpectedly was it done that no resistance could be offered. Only a few words had passed between the two when the murderer whipped out a knife and plunged it into young Van Devander's neck, cutting his throat from ear to ear. Death resulted almost immediately. So unexpected was it that even the victim did not realize the fiendish intent of the murderer when the deadly blade was drawn. The father lifted up his dying son and held him while the life blood ebbed away. The assassin was captured, tried and convicted and sentenced to seventeen years in prison, but after serving a few years was paroled.

The assassanation of their beloved son was a terrible blow to Mr. and Mrs. Van Devander. They shared in each other's sorrow and bore their grief bravely. This dread calamity was followed by another. A couple years later another son met with a railroad accident which cut off one leg and left him a cripple for life. Then came the tragdic death of the father and husband. Now wonder you why Mrs. Van Devander died of a broken heart? Poor woman! Grief killed her. She left behind many good deeds to be copied by those who knew her. She lived a noble christian life and died a triumphant death.

Heaven is now her home.

The murdered engineer was a kind father and dutiful husband. He loved his family and home and was happy when with them. He never allowed his family to want for anything that was within his power to procure. As soon as he would draw his monthly salary as railroad engineer he would take the money home and give it to his wife to be expended as she thought best and proper. This was his custom for many years and he never violated it. His work was always satisfactory to his employers and commanded a high salary.

But with all these good and noble characteristics, Van Devander, like all mankind, had his faults. He was inclined to be rough in some ways. He naturally had a short way of expressing himself, and frequently strangers would think him angry when at the same time he was in the best of humor. He was peaceable, kind and obliging until his real anger was aroused and then he wanted no foolishness or unnecessary talk from anybody, but he was not the quarrelsome man that he has been pictured. When his angry passions had control of him he was to be feared by his enemies. But when once in his friendship and confidence you had as true a friend as ever kept a secret. Such a man was Madison M. Van Devander, the martyred hero of the Mackinaw.

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